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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

JUN 14 2001

Reply To  
Attn Of: ECL-113

Beverly Cook, Manager  
U.S. Department of Energy  
Idaho Operations Office  
850 Energy Drive  
Idaho Falls, Idaho 83401

C. Stephen Allred, Director  
Idaho Department of Environmental Quality  
1410 North Hilton  
Boise, ID 83706

Subject: Dispute Resolution, Operable Unit 7-10 Extension of Deadline

Dear Ms. Cook and Mr. Allred:

Pursuant to the discussions via teleconference, on June 12 and 13, 2001, between Warren Bergholz, Deputy Manager, U.S. Department of Energy, Idaho Operations Office (DOE-ID); Orville Green, Administrator, Idaho Department of Environmental Quality (DEQ); and Ann Williamson, Unit 4 Manager, U.S. Environmental Protection Agency, Region 10 (EPA-10), we agree to extend the current deadline for the above referenced matter until July 6, 2001.

Our agreement is based on a mutual acknowledgement that additional time is necessary to allow an integrated team of agency personnel to develop a revised schedule. For any schedule to be acceptable to EPA, it must be implementable, defensible and enforceable and include DOE's commitment to perform a TRU waste retrieval demonstration by completing Stage II of the Pit 9 Record of Decision (ROD) implementation. I have asked Wayne Pierre, EPA's INEEL Project Manager, to make himself available to support this endeavor.

I am hopeful, based on the most recent discussions, that the team can quickly reach consensus. I continue to feel that my joint letter with Mr. Allred to Warren Bergholz, dated May 23, 2001, describes a reasonable path forward. While agreeing to this three (3) week extension, I want to be clear that EPA expects the consensus approach to generally conform to the terms in our May 23<sup>rd</sup> letter.

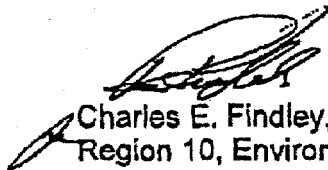
Further, I would like to reiterate some of the issues introduced by Ann Williamson in this week's Tri-Agency teleconferences. They are:

- DOE-ID has an existing commitment under the Pit 9 ROD to retrieve TRU wastes in three stages, i.e., coring, limited retrieval and full scale retrieval;
- DOE needs to perform investigations outside of Pit 9 to identify TRU "hot spots" to support the decision process on the remaining TRU pits and trenches;
- The existing information concerning the Rocky Flats Plant (RFP) waste disposal locations in the TRU pits and trenches needs to be verified;
- A pilot-scale TRU retrieval, which addresses implementation issues including operational criticality concerns, is necessary to support full-scale implementation; and,
- Enforceable deadlines under the Federal Facility Agreement and Consent Order (FFA/CO) will be established on a quarterly basis with senior management attention focused on adherence to the schedule and performance commitments.

We recognize that the Interagency Team will concentrate on the schedule to achieve limited retrieval in Pit 9 (i.e., Stage II) based on DOE-ID's assertion that the technical challenges are too great to overcome on coring. However, we remain skeptical of DOE-ID's position. We have experienced cleanups at other non-DOE sites involving inhalation risk drivers similar to plutonium (e.g., thorium, radium and uranium isotopes) and observed at other DOE facilities like Hanford and Oak Ridge where no secondary containment nor Herculean methods were necessary to retrieve similar wastes. Nevertheless, we accept DOE-ID's offer to brief us, preferably in Seattle, on the merits of your position on coring.

In summary, we are hopeful that the OU 7-10 deadline extension dispute can be settled through the efforts of our respective staffs over the next three weeks. I reiterate that in order to be acceptable, the schedule will need to be enforceable, defensible and implementable for completing Stage II of the Pit 9 ROD. Short of resolution, we will have no choice but to insist that DOE accept the schedule we provided in our May 23, 2001 letter or elevate this issue to the Governor, Secretary and Administrator level for final dispute review under the FFA/CO.

Sincerely,



Charles E. Findley, Acting Regional Administrator  
Region 10, Environmental Protection Agency

cc: Warren Bergholz, DOE-ID  
Orville Green, IDEQ